

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MYRNA JEAN LALONE,

Plaintiff,

v.

Case Number 09-12172

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT, AND AFFIRMING THE COMMISSIONER**

The plaintiff filed the present action on June 6, 2009 seeking review of the Commissioner's decision denying the plaintiff's claim for disability and disability insurance benefits (DIB) under Title II. The case was referred to United States Magistrate Judge Mona J. Majzoub pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(3). Thereafter, the plaintiff filed a motion for summary judgment to reverse the decision of the Commissioner and the defendant filed a motion for summary judgment requesting affirmance of the decision of the Commissioner. Magistrate Judge Majzoub filed a report on August 17, 2010 recommending that the plaintiff's motion for summary judgment be denied, the defendant's motion for summary judgment be granted, and the decision of the Commissioner affirmed.

On June 9, 2009, the plaintiff filed a document purporting to be objections to the magistrate judge's report and recommendation. In that document, the plaintiff does not object to the substance of the report and recommendation. Instead, she submitted a five-page letter asserting that she still experiences pain in her shoulder and does not believe that she can work.

Generally, objections to a report and recommendation are reviewed *de novo*. 28 U.S.C. § 636(b)(1). However, the Sixth Circuit has stated that “[o]verly general objections do not satisfy the objection requirement.” *Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006). “The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). “[O]bjections disput[ing] the correctness of the magistrate’s recommendation but fail[ing] to specify the findings . . . believed [to be] in error’ are too general.” *Spencer*, 449 F.3d at 725 (quoting *Miller*, 50 F.3d at 380).

“[T]he failure to file specific objections to a magistrate’s report constitutes a waiver of those objections.” *Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004). The Court must conclude in this case that the plaintiff has waived her right to object to the substance of the report, and this Court need not conduct a *de novo* review of the issues thoroughly addressed by the magistrate judge. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (holding that the failure to object to the magistrate judge’s report releases the Court from its duty to independently review the motion); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Moreover, after examining the record, the Court agrees with the magistrate judge that the defendants’ motions should be granted.

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation [dkt # 19] is **ADOPTED**.

It is further **ORDERED** that the plaintiff’s motion for summary judgment [dkt. #17] is **DENIED** and the defendant’s motion for summary judgment [dkt. #15] is **GRANTED**.

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: September 23, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 23, 2010.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO